

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE	)	
GAS AND ELECTRIC COMPANY FOR AN	)	CASE NO.
ADJUSTMENT OF ITS ELECTRIC AND GAS	)	2016-00371
RATES AND FOR CERTIFICATES OF PUBLIC	)	
CONVENIENCE AND NECESSITY	)	

ORDER

This matter is before the Commission upon the motion of AT&T Kentucky requesting intervention in this proceeding. In support of its motion, AT&T Kentucky states that it is an incumbent local exchange telephone company and that it has various affiliated entities that provide wireline or wireless services in Kentucky. AT&T Kentucky also states that Louisville Gas and Electric Company's ("LG&E") rate application may have a significant impact on the rates, terms, and conditions that apply when AT&T Kentucky and its affiliates place attachments on or otherwise use poles, ducts, or other facilities of LG&E. Lastly, AT&T Kentucky avers that its interests cannot be adequately represented by another existing party and that it intends to play a constructive role in the Commission's decision-making process in this matter.

On December 29, 2016, LG&E filed a response objecting to AT&T Kentucky's request to intervene. LG&E contends that AT&T Kentucky's motion fails to demonstrate a special interest in this proceeding that is not otherwise adequately represented by other parties and further fails to show that AT&T Kentucky will identify any relevant issues or develop relevant facts that will assist the Commission in the resolution of this

matter without unduly complicating and disrupting the proceeding. LG&E argues that AT&T Kentucky failed to identify any specific rate or tariff provision to which it objects or about which it has concerns nor does it explain how the proposed rate schedules might affect its ability to place attachments on LG&E's poles and structures.

LG&E notes that AT&T Kentucky is an incumbent local exchange telephone company and its access to and use of LG&E's facilities are governed by a joint use agreement with LG&E, not by any provision in LG&E's tariff. LG&E further notes that its proposed Pole Structure and Attachment Charges ("PSA") Rate Schedule expressly exempts from its coverage facilities of incumbent local exchange carriers with joint use agreements with LG&E.

On January 3, 2017, AT&T Kentucky filed a reply in support of its motion to intervene. AT&T argues that, under LG&E's proposed PSA tariff, there are circumstances under which incumbent local exchange carriers like AT&T Kentucky would be subject to the proposed tariff. AT&T Kentucky points out that LG&E's proposed PSA tariff provides that any telecommunications carrier with an existing joint use agreement with LG&E will be subject to the rates, terms, and conditions of the rate schedule upon expiration or termination of the joint use agreement. AT&T Kentucky contends that it should not be foreclosed from exploring the reasonableness of the PSA tariff that could apply to AT&T Kentucky, such as the reasonableness of the proposed annual charge of \$84 for attaching a wireless facility and the reasonableness of LG&E's assumption that, on average, each wireless facility uses 11.585 feet of usable space.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds that AT&T Kentucky has established that it has a special interest in

this proceeding that is not otherwise adequately represented by another party to this proceeding. The Commission also finds that AT&T Kentucky's intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Accordingly, we find that AT&T Kentucky should be granted full intervention in this proceeding.

IT IS HEREBY ORDERED that:

1. The motion of AT&T Kentucky to intervene is granted.
2. AT&T Kentucky shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. AT&T Kentucky shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
4. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, AT&T Kentucky shall file a written statement with the Commission that:
  - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
  - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

By the Commission

ENTERED  
JAN 11 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2016-00371

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